

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.11.630 pertaining to wake) PROPOSED AMENDMENT
restrictions on Broadwater Bay of the)
Missouri River)

TO: All Concerned Persons

1. On December 5, 2017, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Region 4 Office, 4600 Giant Springs Road, Great Falls, Montana, to consider the proposed amendment of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than November 24, 2017, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

12.11.630 MISSOURI RIVER (1) In Broadwater County the Missouri River is closed to all swimming, boating, sailing and floating in the following areas:

(a) between Toston dam and 300 feet downstream of the dam; and

(b) the reservoir between the Toston dam and the boat barrier.

(2) In Cascade County ~~The following areas of the Missouri River are closed to use of any motor propelled watercraft:~~

~~(a) in Cascade County;~~

(a)(i) is closed to the use of motorized watercraft that portion of the Missouri River from the Burlington Northern Railway Bridge No. 119.4 at Broadwater Bay in Great Falls to Black Eagle; and

~~(ii) that portion of the Missouri River from the Warden Bridge on 10th Avenue South in Great Falls to the floater take-out facility constructed near Oddfellows Park at Broadwater Bay as posted.~~

(b) is limited to a controlled no wake speed, as defined in ARM 12.11.101, 200 feet from the western shore as buoyed from the Warden Bridge on 10th Avenue to the Burlington Northern Railway Bridge No. 119.4 from May 1 to September 30.

AUTH: ~~23-1-106~~, 87-1-303, MCA

IMP: ~~23-1-106~~, 87-1-303, MCA

REASON: On November 10, 1983, the commission proposed restricting motorized use on the Missouri River from the Warden Bridge on 10th Avenue to Oddfellows Park at Broadwater Bay to, "preclude the use of motor boats in an area that is designed to facilitate floaters who do not use motors." Also, at that time, the department anticipated "that the use of motors at an area designated for floaters would create a hazardous situation." Historically, the department has not designated or posted this area for nonmotorized or float use only.

The commission is proposing to amend the rule to establish a seasonal 200 foot no wake zone on the western shoreline between the Warden Bridge and the Burlington Northern Railway Bridge No. 119.4 to protect private and public property and remove the obsolete language in ARM 12.11.630(2)(a)(ii) regarding no motorized use as posted. The department coordinated with the City of Great Falls and landowners on the shoreline to develop the rule language proposed by the commission.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Broadwater Bay Wake Zone, Department of Fish, Wildlife and Parks, 1600 Giant Springs Road, Great Falls, MT, 59405; or e-mail fwpr4publiccom@mt.gov, and must be received no later than December 8, 2017.

5. Jessica Snyder or another hearing officer appointed by the department has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer
Department of Fish, Wildlife and Parks

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State October 30, 2017.